



July 15, 2003

Rudy H. Burns, Administrator  
UAMS, Jones Eye Institute  
4301 West Markham, Suite # 523  
Little Rock, AR 72205-7199

Re: Advisory Opinion #483-03-11

Dear Mr. Burns:

This letter is in response to your request for an advisory opinion in accordance with §19-11-715(b) of the Arkansas Code Annotated of 1987. Your request for an advisory opinion is based on the following facts:

- (a) Ashley Hooten, wife of Chad Hooten, owner of Hooten's Publishing, Inc., is employed by UAMS as the Jones Eye Institute's Assistant Director of Development.
- (b) Ms. Hooten's duties do not involve any aspects of the procurement of advertising.
- (c) You wish to know whether the Institute's purchase of advertising in Hooten's Arkansas Football magazine would present a conflict of interest.

Under ACA §19-11-705, a conflict could occur in this situation. However, Ms. Hooten's lack of any participation in the process somewhat negates that conflict. In addition, advertising is an exempt commodity under the Arkansas Procurement law (§19-11-203(14)(A)). ACA §19-11-715(c) provides the ability to "waive" the conflict when it is "insubstantial or remote". We think that to be the case, and accordingly, issue a waiver.

This advisory opinion is issued in accordance with ACA §19-11-715(b) and compliance with the above course of conduct is deemed to constitute compliance with the ethical standards of the Act.

Sincerely,

Richard A. Weiss  
Director

cc: Joe Giddis  
Betty Foster, UAMS  
Tom Gay, Office of Atty. Gen.